

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-27 are pending; Claims 1-13 and 18-26 are active; Claims 14-17 are withdrawn from consideration; Claims 1, 3-7, 11, 18, 19, and 26 are amended; and Claim 27 is newly added herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claim 19 was objected to; Claims 1-13 and 18-26 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 18, 19, and 22 were rejected under 35 U.S.C. § 102(b) as anticipated by JP 10-70294A (hereafter, JP '294); Claims 1, 18, 19, and 22 were rejected under 35 U.S.C. § 102(b) as anticipated by Shiozaki (U.S. Pat. No. 5,977,477); Claims 3, 4, 13, 23, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over JP '294; Claims 3, 4, 13, 23, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Shiozaki; Claims 2, 20, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP '294; Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP '294 and further in view of Yaba et al. (WO 88509265, hereafter Yaba); Claims 21 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP '294 and further in view of Matsuyama et al. (U.S. Pat No. 6,072,117, hereafter Matsuyama); Claims 5 and 7-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP '294 and further in view of JP 2001-176334 (hereafter, JP '334); Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP '294 in view of JP '334 and further in view of Matsuyama; Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP '294 in view of JP '334 and further in view of JP 8-78714 (hereafter, JP '714); Claims 2, 20, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over

Shiozaki; and Claims 21 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shiozaki and further in view of Matsuyama.

At the outset, Applicants thank Examiner Diamond for the interview granted Applicants' representative on September 22, 2005. During the interview, the present amendments were discussed with regard to the applied references.

More specifically, as discussed during the interview, the outstanding objection to Claim 19 and the rejections of Claims 1-13 and 18-26 under 35 U.S.C. § 112, second paragraph have been obviated by the present amendment.

With regard to the outstanding rejection of Claims 1, 18, and 22 under 35 U.S.C. § 102(b) as anticipated by JP '294, that rejection is respectfully traversed.

As illustrated (for example) in Figure 1, flat portions  $W_a$  are included in a transparent conductive oxide film provided on a substrate. Through the claimed configuration, it is possible to intensely scatter light with a short wavelength, whereby it becomes possible to effectively scatter light in a wide wavelength range as a whole. Namely, it is possible to scatter light with a long wavelength by ridges having large roughness and to scatter light with a short wavelength by a surface for the small roughness.<sup>1</sup>

To this end, Claim 1 recites that the plurality of ridges includes a discontinuous portion and a continuous portion. Additionally, the claimed spacing between ridges is from 0 to 2.0  $\mu\text{m}$ , which means that there may be a portion where no flat portion is present.<sup>2</sup>

Therefore, even assuming *arguendo* that there is a flat portion in JP '294, there is no disclosure or suggestion of the claimed plurality of ridges and the claimed flat portions. Accordingly, it is respectfully submitted that Claim 1 patentably distinguishes over JP '294, and it is respectfully requested that this rejection be withdrawn.

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<sup>1</sup> Specification, pages 16-17.

<sup>2</sup> Support for this amendment may be found, for example, in the specification at page 15, lines 22-24.

Turning to the rejection of Claims 1, 18, 19, and 22 under 35 U.S.C. § 102(b) as anticipated by Shiozaki, that rejection is also respectfully traversed. As noted above, Claim 1 recites that the plurality of ridges have a discontinuous portion and a continuous portion, the spacing between ridges being from 0 to 2.0  $\mu\text{m}$ . As illustrated in Figure 1B of Shiozaki, Shiozaki does not include any type of flat portions. Therefore, it is respectfully submitted that Shiozaki necessarily fails to disclose or suggest the claimed plurality of flat portions.

Accordingly, it is respectfully submitted that Claims 1, 18, 19, and 22 patentably distinguish over Shiozaki, and it is respectfully requested that this rejection be withdrawn.

Turning to the rejection of Claims 3, 4, 13, 23, and 24 under 35 U.S.C. § 102 and/or 35 U.S.C. § 103 as unpatentable over JP '294, that rejection is respectfully traversed. With respect to Claims 3 and 4, independent Claim 3, from which Claim 4 depends, recites that the substrate has a smooth surface. Support for this amendment may be found, for example, in Figure 1 of the present specification.

As discussed during the interview, JP '294 does not disclose or suggest a smooth substrate. (See, e.g., Figure 3 of JP '294). Accordingly, it is respectfully submitted that Claims 3 and 4 patentably distinguish over JP '294.

With respect to Claims 13, 23, and 24, Claim 13 depends from Claim 1 and Claim 18 depends from either Claim 1 or Claim 3. Claims 23 and 24 depend indirectly from Claim 18. As noted above, both Claim 1 and Claim 3 patentably distinguish over JP '294. Accordingly, it is respectfully submitted that Claims 13, 23, and 24 also patentably distinguish over JP '294. It is therefore respectfully requested that this rejection be withdrawn.

With respect to the rejection of Claims 3, 4, 13, 23, and 24 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Shiozaki, this rejection also respectfully traversed.

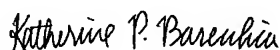
With respect to Claims 3 and 4, Shiozaki does not disclose or suggest the smooth substrate as recited in Claim 3. With respect to Claims 13, 23, and 24, Shiozaki does not disclose or suggest either of the claimed plurality of flat portions or the smooth substrate. Accordingly, it is respectfully submitted that Claims 3, 4, 13, 23, and 24 patentably distinguish over Shiozaki, and it is respectfully requested that this rejection be withdrawn.

With regard to the remaining rejections under 35 U.S.C. § 103, these rejections are all based upon either JP '294 or Shiozaki as the primary reference. As noted above, neither of these two references discloses or suggests the features of the independent claims. Accordingly, it is respectfully requested that the outstanding rejections of Claims 2, 5-12, 20, 21, 25, and 26 be withdrawn.<sup>3</sup>

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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<sup>3</sup> Independent Claim 5 also recites that the substrate has a smooth surface.